REMARKS

Applicant is in receipt of the Office Action mailed December 18, 2003. Claims 1 – 2 were pending. Applicant has amended claim 1 and cancelled claim 2 without prejudice to the subject matter therein, and added new claims 3 – 16. Claims 1 and 3 – 16 remain pending in the application.

The Examiner rejected claims 1 and 2 under 35 U.S.C. §112, second paragraph. Applicant has amended claim 1 to overcome the Examiner's rejections, and cancelled claim 2.

Claims 1 and 2 were rejected under 35 U.S.C. §102(b) as being unpatentable over Gaines (USPN 5,961,582, hereinafter "Gaines"). Claims 1 and 2 were also rejected under 35 U.S.C. §102(b) as being unpatentable over Baker et al. (USPN 5,109,510, hereinafter "Baker"). Applicant respectfully traverses this rejection and requests reconsideration.

Applicant's claim 1 recites a combination of features including "**allocating a resource in response to a resource request** by the application," "**allocating a resource identifier** associated with said resource **in response to said request**," and "**allocating a virtual resource identifier** associated with said resource **in response to said request**."

The Office Action cites col. 6, lines 47-55 if Gaines with respect to allocating a resource identifier. However, nothing in the cited section teaches or suggest the above combination of features. Instead, these teachings are:

> The resource filters 146 include a process control filter 151 for controlling access to the resources 122 of the host computer 101 for process control, including the set of processes 124 and the set of actions the operating system 103 permits with regard to processes 124. Typically, these actions include creating and destroying processes 124, modifying the address space 125, the allotment of processor time 126, or the permissions 127 assigned to a process 124, and interprocess communication.

Furthermore, Gaines teaches at col 7, lines 43 – 60:

> In a preferred embodiment, the file system filter 161 implements a virtual file system 162 comprising a set of virtual files (or virtual file system objects) 163 organized in a virtual file system 162 name space. The virtual file system 162 includes a part of the file system 105 including a set of files or file system objects 107 that the virtual operating system 141 has permissions 127 to access. The file system filter 161 uses at least part of the file system 105 it has permissions 127 to access to model and present the virtual files 163 in the virtual file system 162.
>
> Some of the virtual files 163 may correspond to actual files or file system objects 107; requests for services that affect these virtual files 163 are implemented by direct changes to the actual files or file system objects 107. *The file system filter 161 scrutinizes a request for service requiring access to one of these virtual files 163 to determine if the virtual application 143 requesting service has virtual permissions 147 to access the virtual file 163.*

Applicant can find no language in Gaines where a resource, a resource identifier, and a virtual resource identifier are allocated in response to a resource request.

Furthermore, Baker teaches at col. 6, lines 36 – 49:

> When a request is received from an operating system 10 to open (create) a virtual terminal step 101, (FIG. 3), the resource controller 310 takes the following steps: 1) creates the process for the virtual terminal, 2) performs the necessary functions (copy, bind) on the virtual terminal mode processor to j establish a functioning process, 3) establishes communication paths to/from the virtual terminal mode processor and from/to the device drivers present, 4) *assigns an external identifier to the virtual terminal*, 5) attaches the virtual machine to the virtual terminal, and 6) initializes the virtual terminal process, passing the requisite information in the process initialization parameters, step 102.

Again, Applicant can find no language in Baker where a resource, a resource identifier, and a virtual resource identifier are allocated in response to a resource request.

In accordance, claim 1 is believed to patentably distinguish over the cited references. Claims 3 – 6 are dependent upon claim 1. As such, these claims are also believed to patentably distinguish over the cited reference for at least the same reasons.

New claims 7-16 are further believed to patentable distinguish over the cited art. For example, claim 7 recites a combination of features including: "allocate a resource in response to a resource request by an application; ... allocate a resource identifier associated with said resource in response to said request; ... and allocate a virtual resource identifier associated with said resource in response to said request". Applicant submits that the above highlighted features are not taught or suggested in the cited art. Claims 8-11 depend from claim 7, and recite additional combinations of features not taught or suggested in the cited art. Claim 12 recites a combination of features including: " allocating a resource in response to a resource request by the application; allocating a resource identifier associated with said resource in response to said request; allocating a virtual resource identifier associated with said resource in response to said request". Applicant submits that the above highlighted features are not taught or suggested in the cited art. Claims 13-16 depend from claim 12, and recite additional combinations of features not taught or suggested in the cited art.

CONCLUSION

In light of the foregoing remarks, Applicant respectfully submits the application is now in condition for allowance, and an early notice to that effect is requested.

No fees are believed necessary; however, the Commissioner is authorized to charge any fees which may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 50-1505\5760-22500\BNK.

Respectfully submitted,

Lawrence J. Merkel
Reg. No. 41,191
AGENT FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P.O. Box 398
Austin, Texas 78767-0398
Phone: (512) 853-8800
Date: March 17, 2004